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SHINJYU GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680			LANGDON, EVAN H	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 18

Application Number: 09/986,977

Filing Date: November 13, 2001

Appellant(s): NISHIMURA, YASUSHI

Kiyoe K. Kabashima
For Appellant

EXAMINER'S ANSWER

MAILED

APR 19 2004

GROUP 3600

This is in response to the appeal brief filed 12 March 04.

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(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is substantially correct.

The rejection of claim 20 is withdrawn in view of the Appellant's arguments. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 19 and 20 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

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(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

4,369,225	Manabe et al.	01-1983
JP 2001-17040*	Nanbu	01-2001
JP 11-206284**	Koike	08-1999

*Translation included

**Translation included

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanbu (JP 2001-17040) in view of Manabe (US 4,369,225).

Nanbu shows a fishing reel comprising a reel body 2, a handle assembly and a line-winding spool 8, and the reel having a metal membrane 32 formed by a metal plating process on an obverse side of the component body.

Nanbu fails to show a ground film-layer formed by a paint coat and a metal film layer providing a mirror effect and being formed transparently as a layer on the ground film layer side.

Manabe teaches applying a ground film-layer and a metal film layer providing a mirror effect formed as a layer on the ground film layer side as explained in column 3 on lines 14-24, 30-43, 67-68, and in column 4 on lines 1-3, and in column 5 on lines 1-12.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the fishing reel metal membrane of Nanbu to include a ground film-layer and a metal film layer providing a mirror effect as suggested by Manabe, to provide protection for the component body with the ground-film layer and, further, an adhesive surface with the ground-film layer for metal film layer that provides a metallic luster and further protection.

In regards to claim 17, the fishing reel of Nanbu as modified by Manabe is a dual bearing fishing reel and the spool 8 is rotatably fitted to the reel body as seen in Figures 1 and 2 (Nanbu).

In regards to claims 18, Nanbu as modified by Manabe teaches the metal film layer formed by metal vapor deposition and contains one of chrome, nickel, zinc, magnesium, aluminum, a stainless steel alloy, and titanium as explained in column 3 on lines 14-24, 30-43, 67-68, in column 4 on lines 1-3, and in column 5 on lines 1-12 (Manabe).

In regards to claim 19, Nanbu as modified by Manabe teaches a protective film layer formed by a clear paint coat on the obverse side of the metal film means in column 5 on lines 1-12 (Manabe).

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mamoru in view of Manabe.

Mamoru shows a fishing reel comprising a reel body 2, a handle assembly and a line-winding spool 4, and the reel having a metallic skin layer 14 formed by a metal plating process on an obverse side of the component body.

Mamoru fails to show a ground film-layer formed by a paint coat and a metal film layer providing a mirror effect and being formed transparently as a layer on the ground film layer side.

Manabe teaches applying a ground film-layer and a metal film layer providing a mirror effect formed as a layer on the ground film layer side as explained in column 3 on lines 14-24, 30-43, 67-68, in column 4 on lines 1-3, and in column 5 on lines 1-12.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the fishing reel metallic skin layer of Mamoru to include a ground file-layer and a metal film layer providing a mirror effect as suggested by Manabe, to provide protection for the component body with the ground-film layer and, further, an adhesive surface with the ground-film layer for metal film layer that provides a metallic luster and further protection.

(11) *Response to Argument*

A-1

Applicant's arguments filed 12 March 04 have been fully considered but they are not persuasive. The Applicant attempts to create an argument that the definition of the claimed term "mirroring effect" differs from Manabe et al.'s teaching of a "metallic luster." The applicant cites a number of dictionaries to draw a meaning of the term "mirror effect" as 'indicates a reflective effect,' 'a polished surface as of glass that forms images by reflection,' and 'a surface that reflects a large fraction of incident light.' Then, defines luster to be 'the appearance of a surface dependant on reflected light' and simply adds metallic to the definition to come up with 'a metallic surface dependant on reflected light' and ascertains that this created definition does not suggest an image forming quality. Yet, the definitions construed by the Applicant are inconsistent with the definition of "mirror effect" as according to page 3, lines 9-13 of the

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specification, which defines a half-mirroring effect showing a *metallic mirrored surface* that reflects light. Comparing the Applicant's definitions of "mirror effect" and "metallic luster" provided in his arguments and with the definitions presented in the originally file specification shows a discrepancy. The definition of "metallic luster" as taught by Manabe et al. is more consistent with that definition provided by the Applicant's originally file specification page 3, lines 9-13.

A-2

The term "semi-transparent" is a term of degree. Manabe et al. states that if the metal film layer is less than 150 angstroms then the film is *insufficient* so that the substrate can be seen through. The Applicant is suggesting that at 149 angstroms the film layer is totally transparent and at 151 angstroms that film layer is dense so that an observer could not see through it. The term used is insufficient, another term of degree. Through the range of 150-500 angstroms, as taught by Manabe et al., the film layer is semi-transparent.

A-3

The Applicant has repeatedly argued that Manabe et al. teaches a range different from the present application. This argument is noted in two Final Actions dated 16 June 2003, and 16 October 2003. The Examiner's response is listed below for your convenience.

In regards to the applicant's argument that the Manabe patent teaches away from the semitransparent metal film layer, the Manabe patent clearly states that the thickness of the metal film layer should be greater than 150 angstroms, but less than 500 angstroms to avoid cracking, as explained in column 6, on lines 10-17. This clearly fits the applicant's definition of metallic film having a semitransparent mirroring effect were the specified thickness of the film layer is

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less than 700 angstroms, specifically 50-600 angstroms, as defined in the specification on page 6, lines 10-17. The teaching of the Manabe patent specifying that the film layer be at least 150 angstroms because otherwise the coverage of the metal film is insufficient so that the substrate can be seen through the metal film, raises the question that if the film layer were to be greater than 150 angstroms, as specified by the range of 50-600 angstrom of the claimed invention, would the film layer be semitransparent?

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the metal aluminum used in the main embodiment of the present application) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

B-1

Refer to the responses above, A1 – A3.

C

In response to the Applicant's argument that the cited portions of Manabe et al. does not teach a protective film layer, attention should be directed to the last cited portion, column 5 lines 10-14, that teaches a flexible polyurethane paint utilizable as a top coat for protecting the metal film layer.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Evan Langdon *EL*
April 13, 2004

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